Secrt. 17-29-35,000—3-11-26.

Law (GI) (1927) Department.

Misc SERIES.

G.O. No. 948

DATED 24 3 1927

[Despatch Abstract.]

Magistrate - Bench - Mangalore - Ullal Nadumane Sheediabba Sahib Bahadur - Appointment.

Y Law(GE) 956B and 25/4/27 986B

Mangalore, 22-2-1927.

ASSISTANT SECY TO GOVT
25 FEB 1927
LAW DEPT

W 2

From

Hajee M. Moidinabha,
Merchant, Mangalore,
South Kanara.

To

The Secretary
to the Law Department
Government of Madras,
Fort St. George,
M A D R A S.

S i r,

I feel compelled to approach you on a matter of personal nature that has however received certain amount of public attention and has also caused some official enquiry.

On or about November last, a seat hitherto occupied by a member of the Mopilla Community fell vacant on the bench of Hony. Magistrates, Mangalore, South Kanara, by the expiry of the time of one Mr. Abbunhi Teari. To this vacancy Messrs. Volly Mohammad, Siddiabba Beary of Ullal and Abbunhi, the retiring candidate and myself were the candidates.

As usual the applications were sent to the Revenue Divisional Officer, Mangalore District for necessary enquiries regarding the relative merits of each of the --- aspirants and for recommending one, whom the said officer considers best fitted for the post.

A prolonged and protracted enquiry both confidental and semiconfidential were held both by the Revenue Divisional Officer and the Tahasildar of Mangalore and of the four, two Viz., Volly Mohammad and Abbunhi Beary ---- filtered through and only Siddiabba remained and the ---

3

choice lay between us two.

The Revenue Divisional Officer, considering all that has to be taken into account for and against each of these two candidates, did finally recommend me as the candidate best fitted for filling the post of an Hony. Magistrate, fallen vacant by the retirement of Mr.Abbunhi Beary.

The District Magistrate, who however, has made no personal enquiries into the matter and whose knowledge of men and their affairs cannot be said to exceed that of the Revenue Divisional Officer and the Tahasildar has thought fit, I understand to recommend the name of my rival Siddiabba Beary to the Government as the candidate best fitted in his opinion.

[redacted] due deference to the opinion of the District Magistrate I beg to submit that the only fact that must have weighed with the District Magistrate to override the recommendations of the Revenue Divisional Officer is the allegation that I am a partner of one Mr. H. Koragappa one of the sitting members on the bench of Magistrates, Mangalore.

An enquiry was ordered to find out whether the above allegation was true and the enquiry has disclosed that it is wholly untrue and I have no connection whatsoever with the business of Mr. H. Koragappa.

As to my character and stability and respectability, all the leading European and Indian Merchants have testified and my knowledge of English is not of much lower level than that possessed by my rivals who has studied not higher than Fourth Form.

4

Besides the candidate now recommended is only a boy of about 20 years and much in-experienced in the local affairs being just out of school.

A kind perusal of the connected papers relating to the enquiry held both by the Tahasildar and the Revenue Divisional Officer will convince you, that I am in every way better fitted for the post than my rival.

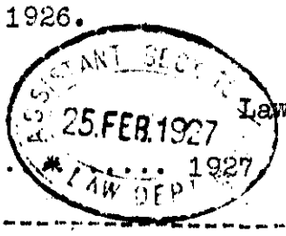
I therefore pray you may be pleased to call for all the connected papers which will reveal the relative merits of both very pointedly and on a perusal of same, to sanction my appointment to thevacant seat on the Bench of Magistrates, Mangalore, South Kanara in preference to the other candidate who is not a resident of Mangalore Town but resides at Ullal a place outside the town.

B

I beg to remain,
Sir,
Your most obedient servant,

Raja

R.O.C.No.9714-C.1926.



Law (General) Department.

Received ..... 1927.

Registered ..... 1927.

Application for the appointment of a Bench Magistrate for the town of Mangalore in the District of South Kanara.

Name of Town.	Name of the nominee in full.	His qualifications.	(1) Cause of vacancy or vacancies. (2) Name of existing incumbent, if any, and whether or not withdrawal of his powers is necessary.	No.& Date of the Notification appointing him.	Remarks.
1	2	3	4	5	6
Mangalore.	Ullal Nadumane Sheediabba Sahib Bahadur.	Land onwer.	Vacancy caused by the expiry of the term of office of Pejavar Abbunhi Beari Sahib Bahadur.	G.O. No.R.637 Law (General) dated 28th November 1921. (N)	The nominee is willing to serve.

S.Kanara Dt.Magistrate's office,
Camp Bajape, 20th February 1927.

For Dt.Magistrate.

To the Secretary to Government,
Law (General) Department,
M a d r a s.

M.D'S.21/2.

66/1/3

5

Lawfund 7 Dept

6

C.no 956 B.

Bench Court- Mangalore
Appointment of a Special
Magis- Petition from Haji
M Mohiadinabba —

Endt 956 B
1-3-27

copied
Sd/-
1-3-27.

Referred to the Dy
South Kanara for remarks

Sd/-
28-2-27

Sd/-
1/3

DESPATCHED
on 3. MAR 1927

To

The Dy S. Kanara
(Endt with Pp 1-3-27
is kept to be returned
with reply)

LAW (GENERAL) **DEPARTMENT.**

Received ..... 192 *Registered* 192

Law (Ge) 1491B
12.3.27

Bench Court - Mangalore - appointment of a Special Magistrate - petition from Hajee M. Moidinabba - remarks called for - Submitted.

Reference:- Government Endorsement No.956-B-1, dated 1st March 1927.

ENCLOSURES.

R.C.No. 9714-26.

Station Mangalore *Dated the* 16th March 192 7.

From (Name) G.W. Wells, Esquire, M.A., I.C.S.,

(Designation) District Magistrate of S. Kanara.

To The Secretary to the Government of Madras,

Law (General) Department.

Sir,

A vacancy arose in the Bench of I Class Magistrates, Mangalore on 28th November 1926 by the expiry of the term of office of Pejawar Abbunhi Beari Saheb Bahadur appointed as a Special Magistrate in G.O. No.R.637, Law (General), dated -- 28th November 1921. He belonged to the Moplah Community.

1. P. Abbunhi Saheb Bahadur.
2. Hajee M. Moidinabba Saheb Bahadur.
3. Valli Mahammad "
4. U.N. Sheediabba "

The gentlemen named in the margin applied for the said vacancy. The Sub-Divisional Magistrate, Mangalore was requested to report after enquiry on these applications. The Sub-Divisional -- Magistrate reported as follows about the candidates.

(1) Mr. Abbunhi is heavily involved in debts and his

renomination is not advisable.

(2) Mr. Hajee Moidinabba has landed property assessed at about Rs.200/-. He is a partner of the firm of Messrs. Hajee Moidinabba and C. Muhammad of Mangalore which pays an incometax of Rs.600/-. C. Muhammad, one of the partners of the firm, is also a partner in another concern with Mr. H. Koragappa who is a Special Magistrate of the Bench of Magistrates at Mangalore. --- Mr. Moidinabba has no debts except trade debts, he has studied - up to the III Form and signs in English but does not speak English nor is he quick to grasp what is spoken in English. He is --- reported to be of good character.

(3) Mr. Valli Muhammad is the son of a respectable ---- Moplah of Mangalore and has passed the Secondary School Leaving Certificate Examination and can speak English. He was till --- recently employed as a travelling commission agent on a pay of Rs.30 per mensem for a firm of Northern India and had to give - it up as owing to his father's death in July 1926 he had to ---- remain in Mangalore to manage his family property. The income of the family property is about 160 muras of rice and Rs.1200 in cash. The family is a big one and the income from the property barely suffices for maintenance. Valli Muhammad has no property of his own and the family property is inalienable being waqf (gift) property. He says he is 28 years old but is reported to look - much younger.

(4) Mr. U.N. Sheediabba was educated in the Mission High School, Mangalore and has studied up to the IV Form. He left - school about 9 years ago and speaks and writes English. He has property of his own paying an assessment of Rs.40-3-0 and is also entitled to a share in the family property assessed at Rs.69-13-0 and encumbered to the extent of Rs.1850/-. There is nothing against his character. He lives in Ullal and whenever he comes to Mangalore he lives with his step father.

2. It is admitted that Mr. Moidinabba is a partner of --- C. Muhammad who is a partner of Mr. Koragappa, though in a ----- separate concern. As Mr. Koragappa is already a member of the

8

Bench, I consider it undesirable to have Mr. Moidinabba on the Bench. Besides he does not apeak English nor is he quick to -- grasp what is spoken to in English. He is reported by the Sub-Divisional Magistrate to have small trade debts, but his opponent Mr. P. Abbunhi Beari has given particulars of large debts ------ (petition enclosed for favour of perusal and return). To sift these allegations would involve considerable enquiry and it is by no means certain that Banks and Firms would be willing to give - the necessary information. On the other hand, Mr. U.N.Sheediabba speaks and writes English and has property of his own. Mr.Abbunhi Beari whose vacancy is now to be filled up was a resident of --- Pejawar, a place 6 miles north of Mangalore whereas Ullal is on the southern side of the Netravati river within half an hour's - journey from Mangalore. There is, therefore, not the least --- objection to a resident of Ullal which is within the jurisdiction of the Bench being appointed as a member. Mr. Sheediabba says that he is 28 years old. According to an extract from the Ullal Mappilla Board School register produced by him he was born on 12th February 1901 but he says his parents under stated his age. By his appearance he is quite probably over twenty five. The -- Sub-Divisional Magistrate, Mangalore reports that he has studied up to the IV Form and left school 9 years ago. Mr. Sheediabba - speaks English quite well.

3. The petition received with the Government Endorsement - under reply is herewith resubmitted.

Your obedient servant,

For District Magistrate.

M.S.R./16-3.

16/8/29

The petition of Abbunhi Beari was not enquired into and Abbunhi Beari was not asked to substantiate his allegations. The allegations are not proved and cannot be taken against me.

The next allegation that I am a partner of Mr. H. Koragappa another Hony.Magistrate, is again false. One Mr. Abdul Rahiman was the partner of Koragappa and when Mr. Abdul Rahiman died his children became partners of H. Koragappa. One of the sons of the said Mr. Abdul Rahiman is Mr. C. Mahammed with whom I am doing a seperate and independent business with which the firm of Abdur Rahiman Koragappa has nothing to do.

I am further given to understand that during the Life time of the last Legislative Council, when a question was raised by an Hon'ble Member from this District regarding the inadvisibility of selecting a man for the post of an Hony. Magistrate, who resides outside the Town proper the Hbn'ble Member was pleased to say that such practice will not be repeated.

In the case of Mr. Seediabba he resides in Ulla as admitted by the District Magistrate, a village which is separate from the town by a river.

As to the knowledge of English neither I nor Seediabba can claim supremacy over the other.

In my last petition I had prayed that you may be pleased to call for the whole file of papers as it would then disclose the result of the enquiries conducted by the Sub.Divisional Magistrate and the Tahsildar and contain also numerous records to prove the superior claims of mine as against Seediabba.

Note

The petition has already been despatched today, but as it was signed after the eight this has been submitted & signed.

Under these circumstances I most humbly pray Your Honour may be pleased to call for the whole file of papers and for reasons stated above appoint me to the vacant seat on the Bench of Magistrates in preference to Siddiabba.

I beg to remain,
Sir,
Your most obedient servant,

To

The Secretary,

Law Department,

Govt. of Madras, Fort.St.George,

M a d r a s.

Humble representation of

Hajee M. Moiddinabba,

Merchant, Mangalore.

S i r,

I am given to understand that the petition submitted by me regarding the vacant seat on the Bench of the Magistrates, Mangalore, contested by me and one Mr. Ullal Siddiabba, had been referred back to the District Magistrate, and he has stuck to his original recommendation and has recommended again Mr. Seediabba.

In doing so however, the District Magistrate I understand has referred to a petition filed by Mr. Abbunhi Beari the Gentleman who had vacated his seat the period of his appointment having expired. This Mr. Abbunhi Beari was anxious to be renominated and and when his renomination was considered impossible, out of mere grudge Mr. Abbunhi Beari filed a petition against me with all sorts of allegations giving a list of debts alleged to be due by me - most of which are imaginary. Mr. Abbunhi Beari was interested in getting the mind of the District Magistrate prejudiced against me and the amounts shown as being due by me are absolutely false. I am prepared to stand a confronted and searching enqurity regarding my Assets and liabilities and enquiry also regarding my stability.

12
11

The Petition of Abbunhi Beari was not enquired into and Abbunhi Beari was not asked to substantiate his allegations. The allegations are not proved and cannot be taken against me.

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Under these circumstances I most humbly pray Your Honour may be pleased to call for the whole file of papers and for reasons stated above appoint me to the vacant seat on the Bench of Magistrates in preference to Siddiabba.

I beg to remain,
Sir,
Your most obedient servant,

17

Laws (Genl) 8

Pet. 000-9063 } Petition from Hafiz M. Moidinsaheb & 22 ors. 2
Ref. = 9863 }
= 9863 From the Dist. Sub Collr Pet no. 9714-C-1926

17

Magistrate - Bench Courts - Powers - Appointment

1

F3-6

Hafiz Maji M. Moidinsaheb & 22 others, in their petition dated 28th ult, while expressing appreciation of the manner in which the Bench Courts are working, have represented that the powers conferred on the Magistrates of the Bench Courts, specially constituted under Sec. 13 of the Madras Village Courts Act, are inadequate and that the Magistrates should be invested with powers to try cases of theft, criminal breach of trust, cheating, mischief and criminal trespass. The District Magistrate, Coimbatore, has recommended the prayer of the petitioners for consideration. The Sub Collector of Dharapuram has also recommended the name of one Sheikdawood Sahib, proposed by the petitioners for appointment as Bench Magistrate. For orders whether the above recommendations may be accepted and the powers conferred accordingly. Subject to approval, a draft order conferring the additional powers on the Bench Magistrates mentioned in the petition is submitted.

Note As the present nominee does not appear to have been recommended for the appointment in the face of the Revenue Divisional Officer's support of the petitioners claim a reference to the Dist would appear necessary before his recommendation is accepted. The Dist's reply would reveal his reasons which may be given to the petitioners

28.2.27.

Draft letter 14

28-2-27

Issued as Endt. No. 956 B-1, dt 1st March 1927]

No. 1491 B] - From the D.M., S. Kanara,
R.C. No. 9714-26, dt 16th March 1927

Please see the District Magistrate's reply at pages 6-8 of current, which contains a report on the relative merits of the applicants for the appointment of a Special Magistrate for the town of Mangalore. In paragraph 2 of his letter the District Magistrate explains his reasons for preferring Mr. H.N. Sheediabba to Mr. Haji K. Moidinabba for the appointment. In the circumstances it is a consideration whether the D.M's recommendation may not be accepted.

The D.M's rec^n may be accepted

21.3.27

21.3.27

A draft order is submitted for approval.

C/ 21.3.27

S/

[illegible] 15

13

Order No. 948, dated 24-3-1927.

The Governor in Council is pleased to appoint the undermentioned gentleman to be a Special Magistrate for the area comprised within the jurisdiction of the Bench of Magistrates at Mangalore in the district of South Kanara with the powers and subject to the terms and conditions specified in Notification No. 737, dated the 13th August 1919, published at pages 1040 and 1041 of Part I of the *Fort St. George Gazette* of the 26th idem as amended by Notification No. 909, dated the 23rd October 1919, published at page 1242 of Part I of the *Fort St. George Gazette*, dated the 28th October 1919, and Notification, dated the 24th January 1923, published at page 146 of Part I of the Fort St.George Gazette, dated the 30th January 1923, and Notification No.820, dated the 26th November 1925, published at page 2258 of Part I of the Fort St.George Gazette, dated the 1st December 1925:--

Ullal Nadumane Sheediabba Sahib Bahadur

22.3.27

23.3.27

Under the provisions of section 41 of the Code of Criminal Procedure, 1898, the Governor in Council withdraws the powers of a Special Magistrate for the town of in the district of conferred on towns specified opposite to their names the undermentioned gentlemen who has/have resigned his/their appointment.

(True extract.)

DESPATCHED

for Secretary.

To the District Magistrate of South Kanara.

(with enclosure returned)

Gazette.

S.G.F. for publication in the Gazette.

(at pages 9-12)

Public dept

Law & Jud dept

Mangalore, 22-2-1927.

From

Majee M. Moidinabha,
Merchant, Mangalore,
South Kanara.

To

The Secretary
to the Law Department,
Government of Madras,
Fort St. George,
M A D R A S.

ASSISTANT SECY TO GOVT
26.FEB.1927
LAW DEPT.

S i r,

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15

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I beg to remain,
Sir,
Your most obedient servant,

Hejmadi

True Copy respectfully submitted to
The Chief Secretary
Government of Madras
Fort St George
Madras